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UNITED STATES DEPARTMENT OF COMMERCE
 The Assistant Secretary for Communications
 and Information
 Washington, D.C. 20230

MAR 21 2007

FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

The Honorable Kevin J. Martin
 Chairman
 Federal Communications Commission
 445 12th Street, S.W.
 Washington, DC 20554

Re: Modification to National Table of Frequency Allocations

Dear Chairman Martin:

To support the requirements of the Department of Defense (DoD), the National Telecommunications and Information Administration (NTIA) requests that the Federal Communications Commission (Commission) adopt the following footnote to the National Table of Frequency Allocations:

USXXX—In the band 17.3-17.7 GHz, existing Federal satellites and associated earth stations in the fixed-satellite service (Earth-to-space) are authorized to operate on a primary basis in the frequency bands and areas listed below. Receiving earth stations in the broadcasting-satellite service within the bands and areas listed below shall not claim protection from Federal earth stations in the fixed-satellite service.

(a) 17.600-17.700 GHz for stations within a 120 km radius of 38°49' N latitude and 76°52' W longitude.

(b) 17.375-17.475 GHz for stations within a 160 km radius of 39°42' N latitude and 104°45' W longitude.

Additionally, NTIA will modify footnote G1 17 to limit this fixed-satellite service use of these bands to military systems.

The U.S. Government's implementation of this allocation supports military functions as well as specific national security interests of the United States. This allocation is essential for these federal space systems to perform satisfactorily. Discussions with your staff and a review of our records indicate that at this time the non-federal requirements in this band are currently limited to existing transmitting feederlinks for the broadcasting-satellite service (BSS) and future receiving ESS earth stations. These federal operations are limited to two sites and only utilize a portion of the band 17.3-17.7 GHz. They have operated compatibly with the BSS feederlinks for many years. NTIA is seeking protection for these federal operations at this time to ensure that BSS operators have sufficient time to design their future space-to-Earth systems accordingly.

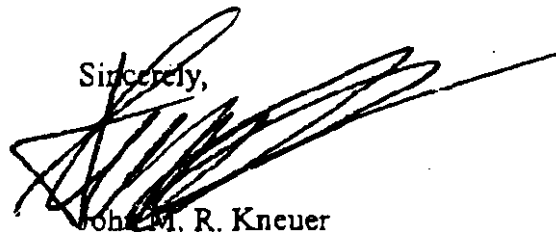
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The Honorable Kevin J. Martin
Page 2

The Commission is authorized to waive the public notice provisions of the Administrative Procedures Act (APA) in cases involving any "military, naval or foreign affairs function of the United States" (47 C.F.R. § 1.412(b)(1)) or where "for good cause **shown notice and** public procedures are impracticable, unnecessary: or contrary to the public interest" (47 C.F.R. § 1.412(c)). See also, 47 U.S.C. § 154(j); 5 U.S.C. § 552(b)(1); 47 C.F.R. § 0.603(a); 47 C.F.R. § 1.3; Bendix Aviation Corp. v. FCC, 272 F. 2d 533, 536-537 (D.C. Cir. 1959), cert. denied sub nom. Aeronautical Radio, Inc. v. United States, 361 U.S. 965 (1960). Given that this footnote specifically supports essential military functions in support of national security interests, this request falls within this authority and NTLA urges the Commission to adopt it without public notice and comment.

As these DoD requirements are already in operation, I request expedited consideration by the Commission. Thank you for your attention to this matter. NTLA's point-of-contact regarding this request is Karl B. Nebbia, Associate Administrator for Spectrum Management (phone: (202)482-0536).

Sincerely,

A handwritten signature in black ink, appearing to read "John M. R. Kneuer", written over a horizontal line.

John M. R. Kneuer